



Legislative Update

March 6, 1998

Vol. 8, No. 8

Boarding Home Program To Be Transferred to DSHS

Patty Hayes

On February 25, 1998, the Governor decided to transfer the Department of Health (DOH) boarding home program to the Department of Social & Health Services (DSHS). This occurred after a critical report from the Long-Term Care (LTC) Ombudsman; a request from the Ombudsman, AARP and senior lobby for the transfer; and the Governor's desire to centralize oversight of LTC facilities. The House budget assumes the transfer and enactment of EHB 2410. The Governor has requested that DOH and DSHS to develop a plan for transfer of responsibilities as soon as possible.

Transfer of the program will include both program function and staff working in the program. Meetings have begun to work out the details and develop a timeline.

Representative Dyer proposed, and the House passed, EHB 2410 which will transfer the boarding home program to DSHS. The bill will also establish a joint legislative and executive task force on long term care, safety, quality and oversight to discuss ongoing system issues such as the need for reorganization and reform of LTC administration, service delivery, quality standards, and the evaluation of the need for LTC training.

At publication deadline, debate on Representative Dyer's proposal is continuing in the Senate. §

Supplemental Budget Proposals Compared

Patty Hayes

The House adopted its supplemental budget proposal earlier this week. The chart on page 2 compares the three budget proposals now under debate: Governor, House and Senate. The House proposal includes a number of items which are different from the other budget proposals, including:

- Moneys for the water reuse program, at a reduced level from the Governor's proposal, is included in the House budget. The Senate budget did not fund this program.

Con't Page 2

IN THIS ISSUE:

BILL WATCH

Data & Confidentiality

Disease Prevention &
Control

Environmental Health
Page 3

Families & Children
Page 6

Fiscal

Injury Prevention
Page 7

Professional/Facilities
Licensing
Page 8

Regulatory Reform
Page 9

Tobacco
Welfare Reform
Page 10



Supplemental Budget Proposals Compared (con't)

- Watershed management was consolidated under the Department of Ecology in the House budget. The Senate budget mirrored the Governor's proposal by establishing teams, with DOH providing technical assistance.
- The budgets reflect funding needs for some proposals still making their way through the process, such as the surgical technologist registration legislation (E2SHB 2462) and regulatory reform (ESSHB 2345) in the House budget, as well as chemical dependency professional certification (SB 6550) in the Senate budget.
- State general fund money for the breast and cervical cancer screening program is included in both the Senate and House budget.
- The Senate budget contains funding for the Joint Legislative Audit and Review Committee to continue its study of health services provided through the common schools, including the numbers and utilization of school nurses. The House budget includes money for a study of the state's financing of the K-12 school system and for a study of the certificate of need program for health care services, which will analyze the affect of the state certificate of need program on the cost, quality and availability of health care services and the impact that repeal of the program would have on these issues.

At press time, the House had passed its proposed supplemental budget. It includes an amendment for the Medicaid Assistance Administration to negotiate a waiver to the federal Medicaid programs to provide family planning services to 200% of the federal poverty level. A conference committee of House and Senate members will now review and formulate the final budget for debate. In most cases, items found in both the Senate and House budget will remain in the final budget. Items in one or the other budget may remain and new items can be added during the conference committee. The budget that comes out of the conference committee will then be debated by the House and Senate next week. §

ITEM	GOVERNOR	HOUSE	SENATE
1997-99 Appropriations	504,161,000	504,161,000	504,161,000
Epidemiology & Lab Cap	216,000	216,000	216,000
Acute & Home Care	508,000	508,000	508,000
Medical Impaired Provider	178,000	(730,000)	(730,000)
Boarding Homes	1,868,000	(658,000)	1,868,000
Trauma Care	(8,764,000)	-	-
Immunization	171,000	171,000	171,000
Diabetes Control Program	416,000	416,000	416,000
Abstinence Education	593,000	593,000	593,000
WIC Information Mgmt. System	-	-	-
INPHO	1,125,000	1,125,000	1,125,000
Hanford Medical Monitoring	250,000	250,000	250,000
Lab Quality Assurance	95,000	95,000	95,000
Water Reuse Program	189,000	129,000	-
Child Death Review	(350,000)	(350,000)	(350,000)
Watershed Management	400,000	-	77,000
Temporary Worker Housing	60,000	-	60,000
Replace Health Serv. Acct.		-	-
Chemical Dependency Cert.		-	214,000
Breast & Cervical		1,000,000	1,000,000
Title 18	499,000	499,000	499,000
Surgical Technologists Reg.		203,000	
Regulatory Reform		67,000	
SUB TOTAL	(2,546,000)	3,534,000	6,012,000
TOTAL	501,615,000	507,695,000	510,173,000

Bill Watch

Bill Watch this week contains bills that are being considered in the opposite house. Legislative Cutoff for opposite house floor action is Friday, March 6th. Bills that do not move from the opposite house by that time are technically “dead”. These bills, by prior legislative agreement, cannot be further considered unless they are incidental to the budget.

DATA AND CONFIDENTIALITY

SHB 2914: HIV Test Reporting

Directs the Governor to convene a 15 member task force to develop a state wide pilot project to implement an HIV surveillance system. Requires the task force to report to the State Board of Health by 10/1/98. Any pilot project developed must assure access to federal funding. **Senate Rules.**

SB 6329: Health Care Information Disclosure

Authorizes disclosure of health care information without patient's authorization to county coroners and medical examiners for the investigations of deaths. **House Passed 3rd.**

DISEASE PREVENTION & CONTROL

SHB 2366: Good Samaritan Disease Tests

Provides that any person, who without compensation or the expectation of compensation renders emergency care at the scene of an emergency that brings them into contact with bodily fluids shall be provided the opportunity to have infectious disease testing provided by a local public health department free of charge, provided the person needing the test has no insurance coverage. **Senate Rules.**

SHB 2413: Sexually Transmitted Disease Disclosure

Revises RCW 70.24.105 to provide for disclosure of sexually transmitted disease information to a person rendering emergency care or transportation, commonly known as a “good Samaritan”. **Senate Rules.**

ENVIRONMENTAL HEALTH

2E2SHB 1354a: Air Pollution Control

Revises air pollution control provisions. Requires the Department of Ecology to establish a scientific advisory board to review plans to create or expand an inspection and maintenance system for motor vehicle emissions. Exempts from the requirements for emission inspection collector cars as identified by the department of licensing under RCW 46.16.305(1), or beginning January 1, 2000, vehicles that are less than five years old or more than twenty-five years old. Requires Ecology to evaluate changes to the motor vehicle emission inspection program and to recommend changes to the legislature by January 1, 1999. **Senate Passed 3rd.**

SHB 1692: Port District Aquatic Lands

The only lands that may be included in a port district aquatic lands management agreement are those state-owned aquatic lands abutting or used in conjunction with and contiguous to uplands owned, leased, or otherwise managed by a port district. Upon request of a city, the department and city may enter into an agreement authorizing the city to manage state-owned aquatic lands for the purpose of operating a publicly owned marina. Directs the development of a proposed model management agreement that shall be used as the basis for negotiating the management agreements required by this section. The model management agreement shall be reviewed and approved by the Board of Natural Resources. **Senate Rules.**

SHBa 1867: Revising Provisions For Food Sanitation And Safety

Beginning July 1, 1999, the renewal period for food and beverage workers' permits is reduced from five to three years, unless the employee obtains additional food safety training. A limited-duty permit for disabled people is created. The local health officer specifies the activities that the permit holder may perform. This permit is recognized in all counties. It is specified that persons with contagious or infectious diseases that may be transmitted by food or beverage may not work in places where unwrapped or unpackaged food or beverages are prepared, consumed or sold. Health officers, by law, already restrict people with contagious diseases such as tuberculosis or

chicken pox, which are not transmitted by food, from contact with the public in general.

The grace period to obtain a food and beverage service workers' permit is reduced from 30 to 14 days. Employers are required to provide information or training regarding safe food handling practices to employees prior to employment. **Senate Passed 3rd.**

ESHB 2303: Regulating Public Water Systems

Declares that a receiving public water system's use may exceed its water right authorization if the receiving public water system's withdrawal does not exceed the instantaneous or annual withdrawal rate specified in the receiving public water system's water right authorization. If the applicant is a public water system that is a party to an existing intertie agreement, the department shall also consider the existence, nature, economics, and terms of the agreement between the intertied public water systems when making a determination on the application for new water rights by the public water system. An intertie shall not be used to deliver a primary or secondary supply of water to a receiving system on a temporary basis unless the terms of the intertie agreement specify the source of the water that will be used by the receiving system to replace the water delivered on the temporary basis and provide that replacement water will be available for delivery to or use by the receiving system before delivery by the supplying system under the agreement is terminated. **Senate Rules.**

EHBa 2414: Outdoor Burning Compliance

Cities with a population of less than 5,000 that are not within or contiguous with an area not meeting federal or state air quality standards must phase out outdoor burning by December 31, 2006. **Senate Passed 3rd.**

ESHB 2514a: Integrated Watershed Management

Allows discretion to local governments in how they may organize planning groups to assess local water supplies and needs and develop strategies to provide adequate water for economic prosperity and environmental protection while protecting existing water rights; review water quality problems and develop a strategy for achieving compliance with water quality standards; and formulate plans for protection

and enhancement of water-related wildlife and fish habitat. **Senate Rules.**

HB 2537/SB 6131: Shellfish Sanitary Control

Provides that a person whose license or certificate of approval is denied, revoked or suspended as a result of violations of chapter 69.30 RCW may not participate to any degree in a shellfish operation. **Senate Passed 3rd/ House Rules.**

HB 2542: Rural Counties/Growth Management

Provides that a rural county that adopts a resolution removing the county, and the cities located within the county, from the requirement to plan under the Growth Management Act remains subject to the requirements for the designation and protection of critical areas and the designation of natural resource lands. **Senate Rules.**

EHB 2791a: Methamphetamine Crimes

Provides that the manufacture or possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine in or near a residence in which a minor or a pregnant woman resides is a "most serious offense" under RCW 9.94A.030. Funds already deposited in the local toxic control account may be utilized for assessment, however funds from this program shall not be used for the initial containment of such a site. **Senate Passed 3rd.**

SHB 2960a: Authorizing Permits-By-Rule For Certain Solid Waste Recycling Facilities

The Department of Ecology is directed to continue to refine the recommendations contained in the 1997 review of the state's solid waste system, and submit a report to the Legislature by December 1, 1998. The report must address: the applicability of a permit-by-rule process for solid waste recycling facilities; consistency of permitting for regional, multi-jurisdictional recycling facilities; the application of best available control technology on a consistent basis; and methods of integrating facility standards with the recommendations of the study. **Senate Passed 3rd.**

SSBa 5636: Health Inspection Warrants

Revising health inspection warrants for local health officers in response to pollution in commercial or recreational shellfish harvesting areas. Requires the

submission of specific evidence showing that it is reasonable to believe pollution is coming from the septic system on the property to be accessed. An administrative search warrant may be issued in response to pollution in shellfish harvest areas or in freshwater. **House 2nd Reading.**

ESB 6123: Animal Health

Designates the authority and responsibility of the Director of Agriculture to supervise the prevention of the spread and the suppression of infectious, contagious, communicable, and dangerous diseases affecting animals within, in transit through, and imported into the state. **Delivered to the Governor.**

ESB 6139a: Amphetamine Penalties

A person convicted of manufacturing, delivering, or possessing with the intent to manufacture or deliver amphetamine is guilty of a class B felony ranked at seriousness level VIII on the sentencing grid, punishable by 21 to 27 months imprisonment for the first offense. The maximum imprisonment is 10 years. The offender is also subject to a fine of no more than \$25,000 for an amount less than two kilograms. For amounts over two kilograms, the fine can be no more than \$100,000 for the first two kilograms nor more than \$50 for each gram over two kilograms. The first \$3,000 of the fines cannot be suspended and are sent to the law enforcement agency responsible for the site cleanup. **House Passed 3rd.**

SSB 6161: Dairy Nutrient Management

Establishes a credible registration and inspection program for dairy animal feeding operations to address the excessive discharge of nutrients or pollutants to waters of the state and lead to compliance by the industry with water quality laws. Maintains the administration of the water quality program as it relates to dairy operations at the state level. Creates a balanced program involving technical assistance, regulation, and enforcement with coordination and oversight of the program by an advisory committee composed of agency, industry, and other representatives. Clarifies the current coordination procedures and responsibilities between the Department of Ecology, the conservation commission, and conservation districts. Repeals RCW 90.64.005 and 90.64.090. **House Passed 3rd.**

ESSB 6203a: Authorizing Exemptions From Solid Waste Designations

The state's solid waste management laws are amended.

1) Beneficial Use of Solid Waste: The DOE may by rule exempt a solid waste from the permitting requirements of those laws for beneficial use. In adopting the rules, the DOE must specify both the solid waste that is exempted and the beneficial use or uses for which it is exempted. The department must consider whether the material will be beneficially used or reused and whether the use will present threats to human health or the environment. 2) Exemptions for Waste Handling Facilities: The DOE may by rule exempt from solid waste handling permit requirements any category handling facility that it determines presents little or no environmental risk and meets the environmental protection and performance requirements required for other similar solid waste facilities. 3) Deference to Other Permits: The DOE must adopt rules describing when a jurisdictional health department may, at its discretion, waive the requirement that a solid waste permit be issued for a facility if other air, water, or environmental permits are issued for the same facility. This deference to other permits may be allowed only if the applicant and the health department demonstrate that other permits for the facility will provide a comparable level of protection for human health and the environment that would be provided by a solid waste handling permit. 4) Civil Penalties: The DOE may assess a civil penalty in an amount up to \$1000 per day per violation to any person exempt from solid waste permitting under these authorities who fails to comply with the terms and conditions of the exemption. Each violation is a separate offense and each day's continuance is a separate violation.

House Passed 3rd.

SSB 6474a: Fertilizer Regulation

Requires after July 1, 1999, package labels on fertilizer to contain a statement that information is available on the Department of Agriculture's internet website regarding the components in the product. The department must post information contained in applications for fertilizer registration on the internet.

House Passed 3rd

ESSB 6497: Taking of Private Property

Amended Bill Compared to Engrossed Substitute Bill: The requirement for state agencies and local governments to make written findings and conclusions is limited to government actions concerning the regulation of private real property. The provision authorizing local governments to submit claims for reimbursements to the Legislature for any increase levels of service is deleted.

House Passed 3rd.

FAMILIES & CHILDREN

ESHB 1194: Breast Feeding In the Workplace

Requires employers to provide a clean and secure location at the place of employment where a female employee can express breast milk. Clarifies that a mother breast-feeding her child cannot construed as indecent exposure. **Senate 2nd Reading.**

SHB 2308: School Tests/Parent Consent

Confirms that it is within the rightful authority of parents to determine how much personal information regarding their child and their family is divulged to schools and individual educators. Requires prior parental consent for the administration of tests, questionnaires and surveys that elicit the personal beliefs or practices of a student or a student's family regarding sex or religion. Requires that all instruction materials, including teacher's manuals, films, tapes, or other supplementary material that will be used in connection with any test, questionnaire, survey, analysis, or evaluation in a school shall be available for inspection by the parents or legal guardians of the students and by any member of the school board. Provides that schools shall give parents and students effective notice of their rights under this act. Surveys that undergo review by the Human Subjects Research Review Board are exempted from most of the provisions in this bill. **Senate 2nd Reading.**

ESHB 2395: Partial Birth Abortions

Initiative 120 is specifically amended to make this act an exception to the declared fundamental right to choose or refuse to have an abortion. Provides that any physician who knowingly performs a partial-birth abortion and thereby kills a human fetus is guilty of a felony and is fined \$4,000 or imprisoned for two

years, or both. This act shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. **Senate 2nd Reading.**

SHB 2422: Parents' Rights in Education

Allows parents to: make a complaint to the school board and have the complaint heard at a public hearing regarding instructional and library materials the parent deems objectionable; exclude their child from sex education and HIV/AIDS classes without prior presentation of the materials, and be involved in evaluation and revision of sex education and HIV/AIDS programs; and exclude their child from scoliosis screening and be involved in instructional materials review committees. **Senate Rules.**

E2SHB 3008: Drug-Affected Children

Finds that all children have the right to be born healthy and free of the consequences of the nonprescription use of controlled substances by the mother during pregnancy. Individuals who have a drug addiction are unable to make reasoned decisions that help ensure the birth of a healthy infant. The availability of long-term pharmaceutical birth control, when combined with other treatment regimens, may allow women to regain control of their lives and make long-term decisions in the best interest of themselves and their children. Finds that a third or subsequent drug-affected infant being born to the same mother means it is unreasonable to attempt to continue efforts to reunify the family and that all reasonable reunification efforts that have previously been made have proven futile and there is no likelihood that future efforts will produce a different outcome. Establishes procedures for dependency investigations for infants born drug affected. Declares that, to the extent funds are appropriated, the department shall operate a pilot project to provide services to women who give birth to infants exposed to the nonprescription use of controlled substances by the mother during pregnancy. Within available funds, the project may be offered in each of the department's administrative regions. The project shall accept women referred to it by the department following the birth of a drug-affected infant. The pilot project shall be concluded by July 1, 2001. Declares that, to the extent funds are appropriated, the institute for public policy shall study

Bill Watch

the cost-effectiveness of this act and report to the governor and legislature not later than September 1, 2002. **Senate Rules.**

HB 3103: Newborn Screening

Directs the department of health, in consultation with appropriate medical professionals, to develop screening criteria for use in identifying pregnant or lactating women addicted to drugs or alcohol who are at risk of producing a drug-affected baby. **Senate Passed 3rd.**

ESSB 6290: Abortion/Parental Notification

A physician shall not perform an abortion upon an unemancipated minor or upon an incompetent person unless the physician has given forty-eight hours actual notification to a custodial parent or to the guardian of the mother and the father. If the pregnant unemancipated minor or pregnant incompetent person makes a written, signed declaration that she is a victim of sexual abuse, neglect, or physical abuse by either of her parents or her guardian, the physician intending to perform the abortion shall provide the notification required by this act to a brother or sister of the unemancipated minor or incompetent person so long as that sibling is over twenty-one years of age, or to a stepparent or grandparent specified by the unemancipated minor or incompetent person.

A parent, guardian, or other person who engages in coercion of an unemancipated minor or incompetent person to persuade her to have an abortion performed is guilty of a misdemeanor. Any physician who intentionally performs an abortion with knowledge that, or with reckless disregard as to whether, the person upon whom the abortion is to be performed is an unemancipated minor or an incompetent person, without providing the required notification shall be guilty of a gross misdemeanor. **House Rules.**

FISCAL

SHB 2724: Enforcement Moneys/Legislative Oversight

Provides that no state officer or employee may expend moneys received from fines, penalties, forfeitures,

settlements, court orders, or other enforcement actions except as provided in a specific appropriation by law. **Senate 2nd Reading.**

ESSB 6108a: Supplemental Operating Budget

Appropriations from various agencies are modified, with no net increase in appropriations from the state General Fund. \$200 million from General Fund revenues is deposited in the state's Emergency Reserve Fund. **House Passed 3rd.**

SSB 6602: Carbonated Beverage Taxes

Provides a credit for carbonated beverage taxes against business and occupation taxes. **House 2nd Reading.**

SB 6112: Vehicle Excise Tax Reduction

Reduces the rate of motor vehicle excise tax on automobiles, motorcycles, light trucks, and motor homes by a general reduction in the value of vehicles to which the tax is applied. Reductions in revenue from the motor vehicle excise tax must be funded from projected surpluses in the state general fund so as to not have a detrimental effect on other programs receiving funds from the tax. **Senate Ways and Means.**

SB 6483: Cigarette and Tobacco Tax Enforcement

Authorizes the transfer of enforcement of cigarette and tobacco taxes to the liquor control board. **Delivered to the Governor.**

INJURY PREVENTION

HB 1046: Requiring Personal Flotation Devices For Children On Certain Recreational Vessels

No person may operate or permit to be operated a vessel under nineteen feet in length unless each person nine years of age or younger on the vessel wears a United States coast guard-approved personal flotation device. Enforcement by law enforcement officers may be accomplished only as a secondary action. **Senate 2nd Reading.**

ESB 5242: Child Floatation Devices

Operators or persons permitting the operation of vessels under 19 feet in length must ensure that all

Bill Watch

passengers nine years of age and younger actually wear a United States Coast Guard approved PFD if the vessel is in motion. **House Rules.**

PROFESSIONAL/FACILITIES LICENSING

2SHB 1618a: Impaired Physician Programs

Makes technical revisions to provisions relating to treatment programs for impaired physicians. **Senate Passed 3rd.**

ESHB 1619: Increasing Compensation For Members of Medical Boards

Each member of the commission who performs regulatory and licensing functions with respect to a health care profession licensed under Title 18 RCW shall be compensated in an amount not to exceed two hundred fifty dollars per day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the commission. **Senate Health & Long-Term Care.**

ESHBa 1769: Electronic Transfer of Prescription Information

The electronic communication of prescription information is authorized by law. Electronic communication of prescription information means the transfer of prescription information by computer, facsimile visual imaging (FAX), or other electronic means, for original or refill information for legend drugs and controlled substances, Schedule III to V, between a prescribing practitioner and a pharmacy, or between pharmacies. No intervening person between a physician or naturopath and a pharmacy can have access to the prescription drug order.

Electronically communicated prescription information must comply with applicable laws and rules. The Board of Pharmacy is authorized to adopt rules implementing this law. Electronic systems must be approved by the Board of Pharmacy, except currently used FAX equipment. The board must maintain a list of approved systems.

Electronically communicated prescription information must allow the opportunity for health prescribers to indicate their preferences for

substituting therapeutically equivalent generic drugs authorized by law; protect the confidentiality of patient prescription information from unauthorized disclosure; and assure accuracy and authenticity of prescriptions. **Senate Passed 3rd.**

ESHBa 2363: Nurse Delegation

A conflict in law pertaining to school employees is clarified. Non-licensed employees in public and private schools, who have given prior consent, are authorized to administer medications to students, notwithstanding the nurse delegation law, in accordance with current practice. Nurses are only required to obtain the written informed consent from patients at the onset of the nurse-delegation process for a particular patient, and it is not necessary to obtain it repeatedly for each change in task. Nurses may determine the most appropriate method for assessing the competency of each nursing assistant in the delegation process.

The legislative task force expires on January 1, 1999. The Department of Social and Health Services has the discretion to levy fines for violations of the nurse delegation law. School employees must consent to administering oral medications to students in public and private schools. **Senate 2nd Reading.**

SHB 2364: Health Professions Administrative Procedures

Revises RCW 43.70.280 to extend the authority of the secretary of health to write administrative rules for the health professions from July 1, 1998 to March 1, 1999. **Senate President Signed.**

SHBa 2688a: An act relating to hearing instrument fitters and dispensers

Revises provisions of chapter 18.35 RCW to modify the educational requirements for licensure as a hearing instrument fitter/dispenser. Declares that the new educational requirements take effect December 31, 2002. Revises provisions of chapter 18.35 RCW to modify the educational requirements for licensure as a hearing instrument fitter/dispenser. Repeals the hearing instrument fitter/dispenser apprenticeship program. **Senate Passed 3rd.**

ESHB 2774: Adult Family Homes

Creates an advisory committee on matters relating to the regulation of adult family homes. **Senate Rules.**

HB 2788: Nursing Assistant Training

Provides that the nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. Directs the Department of Social and Health Services (DSHS) and the nursing care quality assurance commission to work together to develop an implementation plan by December 12, 1998. **House Speaker Signed.**

EHBa 2920: Counselor Continuing Education

The Secretary of Health is required to establish continuing competence requirements for certified counselors by rule. There must be at least 36 hours of continuing education during the two-year reporting period preceding the renewal of certification, including subjects in professional ethics and law. Certified counselors are responsible for obtaining thirty-six clock hours of continuing education during the two-year reporting period immediately preceding renewal of certification, at least six hours of which must be in professional ethics and law. **Senate President Signed.**

HB 2990: Boarding Home Accreditation

Recognizes the need to involve the boarding home industry, the consumers of assisted living and retirement services, the long-term care ombudsman, and state regulatory agencies in the collaborative process of developing standards and procedures for accreditation of licensed boarding homes. Supports an industry-funded pilot program prior to changing or developing new standards for boarding home regulation. **Senate Passed 3rd.**

SHB 2998: Privately owned defibrillators

Provides a limited immunity for use of semiautomatic external defibrillators. **House Speaker Signed.**

2SSB 6168a: Temporary Worker Housing

Directs DOH to adopt by rule a temporary worker building code in conformance with the temporary worker housing standards developed under the Washington Industrial Safety and Health Act, rules adopted by the State Board of Health, and the designated guidelines. Requires that, by December 1, 1998, the Department of Labor and Industries shall adopt Rules requiring electricity in all temporary worker housing and establishing minimum requirements to ensure the safe storage, handling, and preparation of food in these camps, regardless of whether individual or common cooking facilities are in use. Establishes a farm worker housing finance program within the Department of Community, Trade, and Economic Development. **House Passed 3rd.**

SSBa 6550: Chemical Dependency Professionals

A certification program is established for chemical dependency professionals administered by the Department of Health. Persons practicing chemical dependency counseling may represent themselves as "certified chemical dependency professionals" by meeting specified certification requirements in settings approved by DSHS. Applicants must pay a certification fee, pass an examination, and satisfy the education and experience requirements approved by the Secretary of Health in consultation with the Chemical Dependency Certification Advisory Committee. The secretary is authorized to approve educational programs and alternative training. Chemical dependency counselors treating patients in settings other than programs approved by the DSHS may not represent themselves as Chemical Dependency Professionals. **House Passed 3rd.**

REGULATORY REFORM**E2SHB 2345: Administrative Law Revisions**

Revises provisions relating to administrative law rule-making and hearing procedures. A notification requirement for certain rules is added. Within 200

days of the effective date of a rule that imposes additional requirements on businesses that may subject a person to a sanction if violated, an agency must make a good faith effort to notify businesses affected by the rule of the requirements and how to obtain technical assistance. Good faith means the agency at least notifies businesses in the standard industrial classifications of businesses. Inadvertent failure to notify a specific business does not invalidate a rule.

The time period for JARRC to decide whether to impose the significant legislative rule requirements is extended from 45 to 75 days. Agencies may file proposals for the expedited repeal of rules at any time, instead of only twice a year. Each agency must report annually to JARRC on its progress in reviewing its rules, and must publish a summary of the report in the register. If JARRC receives a written objection within 90 days after publication, JARRC must determine whether the agency complied with the requirements. If JARRC finds that the agency did not comply, the agency has 120 days to receive approval from JARRC. If JARRC does not approve, the rule is deemed invalid. **Senate Rules.**

SSB 6575: Administrative Rules Review

Expands the power of the joint administrative Rules Review committee. **Delivered to the Governor.**

TOBACCO

2ESHB 1746: Makes it illegal for a minor to posses or attempt to posses tobacco

Requires minors found guilty of possession or purchase of tobacco to pay a fine and perform four hours of community service. The court may also order the minor into a tobacco cessation program. Deletes the authority of local health departments, and adds the authority tobacco licensees to grant limited immunity to minors to participate in compliance activity. **Senate 2nd Reading.**

ESSB 6354: Tobacco Industry Settlements

Provides that, unless otherwise directed by an act of Congress or, in the case of a lawsuit against the tobacco industry, the ensuring settlement or judicial

determination, any recovery for damages received by the state in any such settlement or litigation, exclusive of costs and fees, shall be deposited into the health services account and the education enhancement account. Moneys deposited in the Health Services Account are to be used exclusively for basic health Plan enrollment. Directs the Attorney general to negotiate a settlement along the guidance of this act. **House Rules.**

WELFARE REFORM

SHBa 2589: TANF Eligibility

TANF eligibility is conditioned upon establishing paternity for a child receiving assistance. A “good cause” exemption from this requirement, based upon current regulatory practice, is specified in statute, for cases where parental identification would be detrimental to the child, as established by court, medical, criminal, child protective services, social services, psychological or law enforcement records. In addition, DSHS has judgmental discretion to investigate the basis for a claim of “good cause.” **Senate Rules.**

ESSB 6418a: Support Enforcement

A seven-day time period for remittance of withheld earnings is specified. Parents provide certain information to the state child support case registry, and addresses of recipients are protected, under certain circumstances. The location of a noncustodial parent is protected upon request. Penalties for false reporting or failure to report new hires are specified and increased. Federal employer identification numbers are used by employers in reporting, replacing various other identifiers. The Governor and the Department of Social and Health Services seek a waiver from Social Security number tracking provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act. Implements technical amendments to the federal personal responsibility and work opportunity reconciliation act of 1996. **House 2nd Reading.** §

LEGISLATIVE INTERNET LINKS

Legislative information can be accessed via the internet.
The following are a few links that may be of interest:

Legislative Update Newsletter

http://www.doh.wa.gov/publicat/98_legup.htm

Legislative Information

WWW - <http://www.leg.wa.gov>

Gopher - gopher.leg.wa.gov

FTP - ftp.leg.wa.gov

Email - ftpmail@leg.wa.gov

Washington State House of Representatives

<http://www.leg.wa.gov/www/house/members/housepg.htm>

Washington State Senate

<http://www.leg.wa.gov/www/senate.htm>

Washington State Governor's Home Page

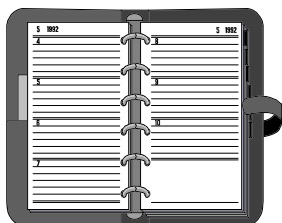
<http://www.wa.gov/governor>

TVW indicates that TVW tentatively plans to televise either LIVE or on a tape delayed basis. For additional information on TVW scheduling or availability, please call TVW at (360) 586-5555, or visit the TVW web site at: www.tvw.org

Legislative Cut Off Dates

March 6, 1998: Last day to consider opposite house bills (except amendments, differences, conference reports, the interim, and business relating to closing session.

March 12, 1998: Sine Die. §



EDITORIAL STAFF

Patty Hayes, Legislative Director
(360) 586-7297

email: plh0303@hub.doh.wa.gov

Greg Smith, Editor Emeritus
(360) 664-8204

email: gts0303@hub.doh.wa.gov

Rae Simpson, Editor

The ***Legislative Update*** is published weekly by Washington State Department of Health, Office of Legislative & Constituent Relations during the Washington State Legislative Session and provides information and news about legislation pertinent to the health of Washington State citizens.

SUBSCRIPTIONS

Subscriptions to the ***Legislative Update*** are available at no charge. If you would like to subscribe, update your mailing address, or unsubscribe, please send your request via email: amb0303@hub.doh.wa.gov, or call (360) 753-0789.

SUBSCRIBING TO *Legislative Update*

If you would like to subscribe, update your mailing address, or unsubscribe to *Legislative Update*, please fill out the information below and return this form to the below listed address. You may also email your request to: amb0303@hub.doh.wa.gov

Name: _____

Address: _____

City, State, Zip: _____

- ☐ Please add my name to the mailing list
- ☐ Please update my mailing address
- ☐ Please remove my name from this mailing list

PLEASE RETURN THIS FORM TO:

Department of Health
Legislative & Constituent Relations
P.O. Box 47890
Olympia, WA 98504-7890



Legislative Update

Published by the Office of Legislative & Consituent Relations
P.O. Box 47890
Olympia, WA 98504-7890
(360) 753-5871
(360) 586-7424 FAX

Copies of Bills may be obtained from Legislative Bill Room: (360) 786-7573
Leave messages for Legislators on the Legislative Hotline: (800) 562-6000